

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 17, 2005 ("Office Action"). Claims 1-39 are pending in the present application and currently stand rejected.

Section 102 Rejection

Claims 1-6, 12, 14, 16-20, 22, 27, 29-31, 36 and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,708 issued to Sawa et al. ("*Sawa*"). Applicant respectfully traverses these rejections for the reasons stated below.

At the outset, Applicant respectfully reminds the Examiner that in order for a reference to anticipate a claim "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*). Independent Claim 1 is allowable over *Sawa* because *Sawa* fails to disclose (1) a first client initiating a service request message to a first server after a telephony call session has been established and (2) a second server delivering the requested service to the first client during the established telephony call. In rejecting every limitation of Claim 1, the Office Actopm merely points to Column 6, Line 20 to Column 8, Line 7 of *Sawa* (the "Cited Portion"). However, the Cited Portion only describes a process of establishing a communicative connection between a client terminal 2 and a broadcast server 3. The "connection" is established at S19 of FIGURE 5. *See* Column 7, lines 49-53 of the Cited Portion. After this connection is established, the only further details given by the Cited Portion is a termination/disconnect processes shown by S20-S26 of FIGURE 5. *See* Column 7, line 55 through Column 8, line 7 of the Cited Portion. Accordingly, the Cited Portion could not contain a disclosure of the first client initiating a service request after a telephony call session has been established. Nor could the Cited Portion disclose delivering the requested service to the first client during the established telephony call.

Accordingly, for at least these reasons, Applicant submits that Claims 1 is allowable as are Claims 2-13, dependents of Claim 1. Claims 14, 29, and 36 are allowable

for analogous reasons as are Clams 15-28, 29-35, and 37-39, dependents of Claims 14, 29, and 36.

Notwithstanding the above reasons for allowance, many of the dependent claims are also allowable because *Sawa* fails to teach or suggest the additional limitation or limitations recited by the respective dependent claims. Examples of these are described below.

Claim 2 is allowable because *Sawa* fails to disclose the services comprising an application operable to provide text viewing and modification capabilities. With regards to this limitation, the Office Action merely points to the Cited Portion. However, Applicant has thoroughly reviewed the Cited Portion and was unable to find a disclosure of this limitation. At best, the Cited Portion discusses a video data menu server 5 providing a hypertext menu of broadcast programs, which clearly does not disclose services comprising an application operable to provide text viewing and modification capabilities. Accordingly, for at least this additional reason, Claim 2 is allowable. Claim 17 recites a similar limitation and, accordingly, is additionally allowable for analogous reasons.

Claim 3 is allowable because *Sawa* fails to disclose the services comprising an application operable to provide graphic viewing and modification capabilities. With regards to this limitation, the Office Action, once again, merely points to the Cited Portion. However, Applicant has thoroughly reviewed the Cited Portion and was unable to find a disclosure of this limitation. Once again, at best, the Cited Portion discusses a video data menu server 5 providing a hypertext menu of broadcast programs, which clearly does not disclose services comprising an application operable to provide graphic viewing and modification capabilities. Accordingly, for at least this additional reason, Claim 3 is allowable. Claim 18 recites a similar limitation and, accordingly, is additionally allowable for analogous reasons.

Claim 12 is allowable because *Sawa* fails to disclose pressing a button associated with the requested service at the first client during the telephony call session to initiate the service request message. With regards to this limitation, the Office Action indicates that *Sawa* “suggests” this limitation at Column 8, line 55 to Column 9 line 7. However,

Applicant has thoroughly reviewed Column 8, line 55 to Column 9 line 7 and was unable to find a disclosure of pressing a button associated with the requested service at the first client during the telephony call session to initiate the service request message. Accordingly, for at least this additional reason, Claim 12 is allowable. Claim 27 recites a similar limitation and, accordingly, is additionally allowable for analogous reasons.

Section 103 Rejections

Claims 7-11, 21, 23-26, 32-35, 38, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawa* as applied to Claims 1, 14, 29, and 36 above, and further in view of U.S. Patent No. 6,477,708 issued to Bittinger ("*Bittinger*"). Claims 13 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawa* as applied to Claims 1 and 14 above, and further in view of U.S. Patent No. 5,854,894 issued to Lancaster, et al. ("*Lancaster*"). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawa* as applied to Claim 14 above, and further in view of U.S. Patent No. 6,122,631 issued to Berbec et al. ("*Berbec*"). These rejections are moot because the independent claims from which they depend are allowable, as described above. However, notwithstanding the above, many of these dependent claims are also allowable because the respective combined references fails to teach or suggest the additional limitations or limitations recited by respective dependent claims. Examples of these are described below.

Claim 7 is allowable because *Sawa* and *Bittinger*, even when combined, fail to disclose delivering the requested service to the second client based on the address received from the first client. The Office Action acknowledges that *Sawa* does not disclose this limitation. Rather, the Office Action relies upon *Bittinger*, citing Column 7, lines 1-49 of *Bittinger*. However, Column 7, lines 1-49 only recites an operation with a single client, not an operation involving a first client and a second client. Accordingly, for at least this additional reason, Claim 7 is allowable. Claims 8, 21, 23-26, 32, 33, and 38 contain similar second client and address limitations and are additionally allowable for analogous reasons as are Claims 9 and 10, dependents of Claim 8; Claims 34 and 35, dependents of Claim 33; and Claim 39, dependent of Claim 38.

Request for Evidentiary Support

Should a rejection based on any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge, Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brad P. Williams, Attorney for Applicant, at the Examiner's convenience at (214) 953-6447.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



Keiko Ichiye
Reg. No. 45,460

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Correspondence Address:

at Customer No. **05073**